

BEFORE THE OFFICE OF THE COMMISSIONER OF RAILROADS

STATE OF WISCONSIN

Application of Georgia Pacific for an  
Exemption from the Railroad Track Clearance  
Law of Structures at Green Bay, Brown County

9164-RV-614

FINDINGS OF FACT AND ORDER

On October 4, 2005, Georgia Pacific filed an application with the Office of the Commissioner of Railroads under sections 192.31 and 192.53, Wis. Stats., and sections RR 2.15 and RR 2.16, Wis. Adm. Code, for an exemption from the railroad track clearance laws of structures located at 500 Day Street in the City of Green Bay. The applicant proposes the construction of a bridge over the tracks to facilitate the transport of material to the docks. The bridge will be designed to raise and lower according to need.

Pursuant to due notice, hearing was held on October 26, 2005 before examiner Thomas Running.

Appearances:

Georgia Pacific, applicant  
by  
Rick Woodward,  
Manufacturing Systems and Machine Design  
421 Lawrence Drive  
De Pere, WI 54115

Findings of Fact

THE COMMISSIONER FINDS:

The applicant proposes the construction of a bridge over the tracks to facilitate the transport of material to the docks. The bridge will be designed to raise and lower on vertical steel I-beam support columns.

There are two tracks at the area of restricted clearance. The tracks measure 18 feet between centerlines. The minimum vertical clearance to the bridge in its raised position will be 18 feet 0 inches above top of rail. The applicant and the Canadian National Railway have entered into a stipulation on the issue of the vertical clearance. The minimum horizontal clearance from the track centerline to the support column will be 7 feet 5 inches for the south track, and 7 feet 11 inches for the north track.

The subject spur track is 1090 feet in length. It runs from east to west from the switch point with a slight down grade. The track is straight at the point of limited clearance.

The Canadian National Railway serves the facility, with about 10 tank or box cars per month. There are no other industries on the spur. The area is illuminated by sodium vapor lights. There are "no clearance" signs already installed. The installation of telltales would be impractical.

Wisconsin law requires a minimum of 23 feet vertical clearance and 8 feet 6 inches horizontal clearance. The petitioner seeks exemption from both requirements.

Construction and continued maintenance of the structure will not imperil life and limb, and the public interest permits such construction, subject to the conditions set forth in the following order.

#### Conclusion of Law

#### THE COMMISSIONER CONCLUDES:

That the Office has jurisdiction under sections 192.31 and 192.53, Wis. Stats., and sections RR 2.15 and 2.16, Wis. Adm. Code, to grant the requested exemption, and such an appropriate order should be entered in accordance with the above Findings of Fact.

#### Order

#### THE COMMISSIONER THEREFORE ORDERS:

1. That an exemption from the railroad clearance and telltale requirements of sections 192.31 and 192.53, Wis Stats., and sections RR 2.15 and RR 2.16, Wis Adm. Code, is hereby granted with respect to the overhead bridge and the support columns, subject to the condition that Georgia Pacific continue to maintain "No Clearance" signs in advance of the entrance.

2. That the clearance authorized, subject to the aforementioned condition, is a minimum vertical clearance of 18 feet 0 inches from top of rail to the overhead bridge.

3. That the clearance authorized, subject to the aforementioned condition, is a minimum horizontal clearance of 7 feet 5 inches from track centerline of the south track to the south support column, and 7 feet 11 inches from track centerline of the north track to the north support column.

4. That jurisdiction is retained.

Dated at Madison, Wisconsin, (November 7, 2005).

By the Office of the Commissioner of Railroads

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Rodney W. Kreunen, Commissioner

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